HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.16089 OF 2006

Between:

Smt. Mandava Asha

…Petitioner

AND

The Vijayawada, Guntur, Tenali, Mangalagiri,
Urban Development Authority, Vijayawada,
Rep., by its Vice Chairman and another

...Respondents

: O R D E R :

Counsel for the petitioner : Shri G. Narasimha Rao

Counsel for the respondents : Smt. K. Aruna

August 24, 2007

Per G.S.SINGHVI, CJ

This petition is directed against order dated 18-7-2006 passed by Planning Officer, Vijayawada, Guntur, Tenali, Mangalagiri Urban Development Authority, Vijayawada under Section 42 (1) of the Andhra Pradesh Urban Areas (Development) Act, 1975 whereby he ordered demolition of the construction made by the petitioner on plot No.11 of Gollapudi Village, Vijayawada Rural Mandal, Krishna District.

We have heard learned counsel for the parties and perused the record. After going through the order under challenge, which has been passed in the backdrop of direction given by this Court in Writ Petition No.13463 of 2006, we pointed out to Smt. Aruna, learned counsel for the respondents that the impugned order does not satisfy the requirement of a speaking order, inasmuch as, the same does not reflect objective application of mind by the officer concerned.

Smt. K. Aruna responded to the Court's query by making a statement that she would advise the concerned authority to pass fresh order in accordance with law by recording reasons in support of his conclusion that the construction made by the petitioner is not in accordance with the sanctioned plan or the provisions of the Act or the rules or regulations framed thereunder.

In view of the statement made by the learned counsel for the respondents, the writ petition is disposed of in the following terms:

1) The impugned order is quashed with liberty to the competent authority to pass fresh order.

2) Since the petitioner is alleged to have raised construction in violation of the sanctioned plan and the provisions of the Act and the

rules and regulations framed thereunder, we expect the competent authority to pass appropriate order within a maximum period of one month from the date of receipt of a copy of this order.

As a sequel to disposal of the main petition, WPMP No. 20064 of 2006 filed by the petitioner for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

August 24, 2007

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